HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.1077 of 2007

Date of decision : 27.02.2007

Mahabir **.....Petitioner**

versus

Raj Kumar and others **....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Raghubir Tejpal, Advocate for the petitioner.

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ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order dated 3.2.2007 passed by the learned Motor Accident Claims Tribunal, Kurukshetra, whereby evidence of the petitioner was closed.

The petitioner, a person of unsound mind, filed an application for additional evidence to prove disability certificate in respect of the petitioner. The said application was allowed and Dr.Rajesh Chhabra, Department of Neuro Surgeory, Chandigarh was summoned. However, despite the efforts made by the petitioner, the Doctor could not be summoned and the learned trial Court passed an order closing the evidence of the petitioner.

Learned counsel for the petitioner states that the petitioner has taken all possible steps to summon the witness, but on account of non availability of the Doctor, the witness could not be served. He states that if another opportunity is given, the petitioner will make attempt to summon the Doctor or in the alternative to summon an official of the

P.G.I., Chandigarh to prove the disability certificate given by the Doctors of the P.G.I. Chandigarh.

Keeping in view the fact that the petitioner is of unsound mind and the fact that the Doctor summoned by the petitioner is of very prestigious Institute and extremely busy, I deem it appropriate to grant opportunity to the petitioner to prove the disability certificate either by summoning the Doctor or such other official which may be able to prove the disability certificate, in accordance with law.

In view of the above, the present revision petition is allowed. The order passed by the learned trial Court dated 3.2.2007 is set-aside. The petitioner is permitted to summon the witness from the PGI to prove the disability certificate, in accordance with law.

(HEMANT GUPTA)
JUDGE

February 27, 2007
**mohinder*